

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

OLD REPUBLIC INSURANCE COMPANY

PLAINTIFF

V.

CIVIL ACTION NO. 3:18-CV-00216-TSL-RHW

**OXFORD AIRCRAFT CHARTERS, LLC;
THE ESTATE OF JASON PERRY FARESE;
THE ESTATE OF MICHAEL MCCONNELL
PERRY; THE ESTATE OF KIMBERLY
WESTERFIELD PERRY; ROBERT PERRY,
AS GUARDIAN OF S.M.P., J.W.P., AND
A.R.P., THE MINOR NATURAL CHILDREN
AND WRONGFUL DEATH
BENEFICIARIES OF MICHAEL
McCONNELL PERRY AND KIMBERLY
WESTERFIELD PERRY**

DEFENDANTS

AGREED ORDER AND FINAL JUDGMENT

This matter having been submitted on the Motion for Summary Judgment [73] (“Motion”) by Plaintiff, Old Republic Insurance Company, which is unopposed by Defendants, and the Court being of the opinion that the Motion is supported by the undisputed facts and applicable law,

IT IS HEREBY ORDERED AND ADJUDGED that the Motion is hereby GRANTED.

In addition, inasmuch as Old Republic initiated this declaratory judgment action for the purpose of seeking a determination of its contractual obligations to Oxford Aircraft Charters, LLC and the Estate of Jason Perry Farese under a policy of aircraft insurance issued to Oxford Aircraft Charters, LLC (No. PB 20248001), in respect of claims by third parties against Oxford Aircraft Charters, LLC and the Estate of Jason Perry Farese as the result of an August 14, 2016 crash of a Piper aircraft bearing tail number N447SA, including but not limited to the claims asserted in a lawsuit filed in Lafayette County, Mississippi by The Estate of Michael McConnell Perry, The

Estate of Kimberly Westerfield Perry, and Robert Perry, as guardian of S.M.P., J.W.P., and A.R.P., the minor natural children and wrongful death beneficiaries of Michael McConnell Perry and Kimberly Westerfield Perry bearing Cause No. L17-439 (“the Underlying Lawsuit”),

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECLARED that:

(1) Old Republic Insurance Company has no prospective duty to defend either Oxford Aircraft Charters, LLC or The Estate of Jason Perry Farese against the claims asserted in the Underlying Lawsuit; and (2) Old Republic has no obligation to pay any sums that either Oxford Aircraft Charters, LLC or The Estate of Jason Perry Farese may be legally obligated to pay any claimant as a result of the August 14, 2016 airplane crash at issue in the Underlying Lawsuit.

IT IS HEREBY FURTHER, ORDERED AND ADJUDGED that judgment is rendered in favor of Plaintiff and this Order shall serve as a final judgment for purposes of appeal.

SO ORDERED AND ADJUDGED this the 25th day of July, 2019.

/s/Tom S. Lee
TOM S. LEE
UNITED STATES DISTRICT JUDGE